

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/319416

APPLICANT: GENCELL SAS

CORRESPONDENT ADDRESS:

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RETURN ADDRESS:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

If no fees are enclosed, the address should
include the words "Box Responses - No Fee."

MARK: PCOR

CORRESPONDENT'S REFERENCE/DOCKET NO: 869621

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address..

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Applicant is requesting reconsideration of a final refusal dated December 2, 2004.

The applicant's request for reconsideration does not raise any new issues but is a good faith, although incomplete, attempt to comply with all outstanding requirements or refusals. TMEP §715.03(a). Accordingly, applicant's request for reconsideration is *granted*. The response is incomplete because the identification of goods in International Class 5 remains unacceptable as indefinite. The identification of goods in International Class 1 is accepted.

The applicant has 30 days, or until the end of the six months from the final action, whichever is longer, to comply with the outstanding requirements or refusals. 37 C.F.R. §2.65(b). Granting the request for reconsideration does not extend the deadline for appeal. The time for appeal runs from the date the final action was mailed. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c).

A. Identification of Goods

The current wording used to describe the International Class 5 goods needs clarification because the examining attorney remains unable to determine the exact nature of some of these goods. TMEP §1402.01. For the applicant's convenience, the examining attorney has copied the identification in its entirety below. The necessary changes to the identification are discussed in bold font text in brackets next to the corresponding item in the present identification.

Pharmaceutical and veterinary preparations [**Applicant has still not listed the conditions that these preparations are intended to treat and must do so.**]; sanitary preparations for medical purposes; chemical preparations for medical and pharmaceutical purposes, namely, plasmid preparations, recombinant plasmid preparations, plasmid-based vaccine preparations, plasmid-based gene therapy preparations, [**Applicant must either state that the conditions that follow apply to the plasmid preparations, recombinant plasmid preparations and plasmid-based vaccine preparations, or must identify the conditions that those preparations are intended to treat. Applicant may add the word "all" in front of the word "for" following this bracket, if accurate. Note, however, that that will not cover the requirement regarding pharmaceutical and veterinary preparations set forth above.**] for gene therapy, for vaccination, for production of therapeutic proteins, in the treatment and prevention of pathological conditions, namely, genetic diseases, cancers, angiogenesis-related diseases, vascular diseases, cardiovascular diseases, coagulation disorders, blood disorders, hemoglobinopathies, inflammatory diseases, infectious diseases, neurologic diseases, neurodegenerative diseases,

neuromuscular disorders, myopathies, lysosomal disorders, metabolic diseases, immunodeficiencies, immunological disorders and respiratory diseases

Applicant must rewrite the identification in its entirety, listing each good or service according to its appropriate international classification. In the event that the application contains goods and/or services belonging in more than one international class, the applicant must list the international classes in ascending order. 37 C.F.R. §2.74(b). Please note that, while the identification of goods and/or services may be amended to clarify or limit the goods and/or services, adding to the goods and/or services or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include goods and/or services that are not within the scope of the goods and/or services set forth in the present identification.

NOTICE: FEE CHANGE

Effective January 31, 2005 and pursuant to the Consolidated Appropriations Act, 2005, Pub. L. 108-447, the following are the fees that will be charged for filing a trademark application:

- (1) \$325 per international class if filed electronically using the Trademark Electronic Application System (TEAS);
or
- (2) \$375 per international class if filed on paper

These fees will be charged not only when a new application is filed, but also when payments are made to add classes to an existing application. If such payments are submitted with a TEAS response, the fee will be \$325 per class, and if such payments are made with a paper response, the fee will be \$375 per class.

The new fee requirements will apply to any fees filed on or after January 31, 2005.

NOTICE: TRADEMARK OPERATION RELOCATION

The Trademark Operation has relocated to Alexandria, Virginia. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

**Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451**

Applicants, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>.

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